

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



November 7, 1989

ALL COUNTY INFORMATION NOTICE NO. I-76-89

FSDIN I-12-89

TO: ALL COUNTY WELFARE DIRECTORS
ALL DISTRICT ATTORNEYS
ALL TITLE IV-D AGENCIES

SUBJECT: ABBOTT V. MCMAHON - RECORDS RETENTION

This is to advise Counties of a lawsuit, Abbott v. McMahon, which will affect the retention period for records maintained by the County Welfare Departments and County District Attorney's Family Support Divisions.

In summary, Abbott v. McMahon is a lawsuit originally filed on February 27, 1989 with the Superior Court of Santa Clara County. The complaint alleges that between October 1, 1984 and December 31, 1988, State regulations contained in the Eligibility and Assistance Standards Manual (EAS) Division 43, Section 203.117, denied AFDC recipients their right to \$50 pass-through (i.e., disregard) payments when Absent Parent's current support payments are lumped together with support collected for other months. The Department of Social Services has joined the Federal Government in this lawsuit and the case has been amended and filed in the United States District Court Northern District of California.

45 CFR 74.21 requires records to be retained beyond the three year period when litigation is involved. Destruction of the affected records can only occur after completion of the action and resolution of all issues involved in the litigation. Therefore, Counties are hereby advised that for the period of October 1, 1984 through December 1988, essential records for determining the proper computation and issuance of the disregard payment, such as records pertaining to support payments collected, amounts distributed, AFDC/non-AFDC status, aid paid, and disregard payments should be retained beyond the three year time period. For example, the District Attorney's Family Support Division should retain the Child Support Transmittal/Action Document (CS 278M), Child Support Case History and List of Authorizations (CS 278L), Child Support Payroll Form for

Collections and Disbursement (CS 801), Summary Report of Child and Spousal Support Payments (CS 800), or approved substitutes until this case is settled; and County Welfare Department's should retain the List of Authorizations to Start, Change and Stop Aid Payments (ABCD 278L), Authorization to Start, Change or Stop Aid Payments (ABCD 278M), Aid Payroll (CA 801), Payroll Summary (CA 800) or approved substitutes and any other documents relevant to the payment of the \$50 disregard. Current State law requires the warrant registers to be retained 15 years.

Counties will be notified in a future FSD/All County Letter if further action is required.

Questions concerning this matter may be directed to Nancy Alder, Child Support Management Bureau at (916) 322-8495.



ROBERT A. MOREL
Deputy Director
Welfare Program Division